

MUL-0005

REMARKS

Claims 1, and 3-15 remain pending in the present Application. Applicants appreciate the indication that Claims 9-15 stand allowed. It is noted that Claim 2 was cancelled in the previous response.

Claims 1, 3-6, and 8 currently stand rejected. Reconsideration and allowance of which are respectfully requested in view of the following remarks.

Claim Rejection Under 35 USC §103(a)

Claims 1, 3-6, and 8 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication Number US 2002/0060526 A1 to Timmermans (hereinafter "Timmermans") in view of U.S. Patent Application Publication No. 2004/003220A1 (Hereinafter "Cok"). Applicants respectfully traverse.

Timmermans is directed to a light tube for illumination by a power supply circuit. The light tube includes a plurality of light emitting diodes for providing the illumination.

Cok is generally directed to a light apparatus that includes serially connected organic light emitting diodes.

Applicants' Claim 1 is directed to a retrofit LED light tube for replacing a fluorescent light tube in a troffer fixture, the LED retrofit light tube comprising an elongated cylindrical transparent envelope; a base cap at each end of the envelope, wherein the base cap comprises a first prong and a second prong extending from the base cap, wherein the first and second prongs are adapted to electrically communicate with a fluorescent light socket; and at least one LED device in electrical communication with the base cap, wherein a positive terminal of the LED device is in electrical communication with the first prong and a negative terminal is in electrical communication with the second prong, wherein the at least one LED device consists of organic light emitting diodes.

For an obviousness rejection to be proper, the Examiner must meet the burden of

MUL-0005

establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).


Cok is not prior art. Cok has a filing date of August 2, 2002 and more importantly, a publication date of February 19, 2004. Applicants filed its application on November 30, 2001, which is prior to Cok. As such, Cok is not a proper reference for use in the 103 rejection.

With regard to Timmermans, the Examiner has acknowledged in the present Office Action that Timmermans fails to teach or suggest the use of organic light emitting diodes, and thus, fails to establish a *prima facie* case. As all elements of independent Claim 1 have not been taught or suggested, this claim is patentable. Given that Claim 3-6 and 8 depend from independent Claim 1, these claims are patentably distinguished for at least the same reasons.

MUL-0005

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

Respectfully submitted,

By: 
Peter R. Hagerty
Registration No. 42,618

Date: September 8, 2004

Mule Lighting, Inc.
46 Baker Street
Providence, RI 02905